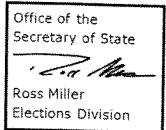


KRut
12/19/11

On Saturday I sent written comments on R111-11 and R124-11. I sent them by both Express Mail and Federal Express. This fax makes a modification to those comments. The copies sent by mail have an incorrect Section number on page 4; the comment labeled Sec. 6.1 (sic) is now correctly labeled Sec. 7.

In God we trust,
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KRut
12/19/11

Comments on Proposed Regulations R111-11 and R124-11

My name is Woody Stroupe, Vice Chairman of the Clark County Republican Party. Thank you for holding the workshop concerning proposed regulations R111-11 and R124-11. Significant changes are required in these proposed regulations to prevent ineligible voters from voting in the 2012 general election.

First, I request that for the comments and requests for changes made below and prior to the adoption of the proposed regulations that the Secretary of State's office "issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption." I request that the Secretary of State email the statements to vicechairman@clarkgop.org as well as publish them.

I make this request the pursuant to the following paragraph contained in **"NOTICE OF PUBLIC WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS Nov 22, 2011"**. That paragraph states "Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption."

Following are my comments on the proposed regulation R111-11.

The legal voters of Nevada have the right to not have their legal vote diluted or negated by persons who are voting under a false name, false address, or voting multiple times. The proposed regulations R111-11 and R124-11 as written and presented on December 12, 2011 have specifically removed or omitted in four different voting application or voting documents the requirement for a civilian to sign, under penalty of perjury, an oath or declaration of eligibility to vote. Thus, there is **no** statement to sign similar to the one required on the current Voter Registration Form "I swear or affirm • I am a U.S. citizen • I will be at least 18 years old by the date of the next election • I will have continuously resided in Nevada at least 30 days in my county and at least 10 days in my precinct before the next election • the present address listed herein in my sole legal place of residence and I claim no other place as my legal residence • I am not laboring under any felony conviction or other loss of civil rights that would make it unlawful for me to vote. I declare under penalty of perjury that the foregoing is true and correct." This "omission" occurs in the four different electronic or paper voting applications or voting documents for civilian voters highlighted below.

See R111-11: Sec. 4 there is no mention of an eligibility oath or declaration subject to perjury when **"applying to register to vote by computer ..."** Sec. 6, which applies to **"An absent ballot sent to a voter by approved electronic transmission must:"** specifically strikes the previous Sec. 6.1(f) that requires "that failure to sign the oath required pursuant to subsection 3 of NRS 293.3157

will result in the absent ballot not being counted." Is this deletion a violation of the NRS? Sec. 8 omits the eligibility oath from a **"standard paper form for use by persons who are applying to register to vote in person or by mail."** This will be a modification of the voter registration form that is currently in use and which requires the oath as quoted above, that is R111.11 will allow the Secretary of State to remove the current oath. Sec.9 omits the eligibility oath for **"An absent ballot sent by approved electronic transmission..."** Sections 11.2(e) and 12 (the last sentence) specify the full page declaration that must be signed under potential penalty of perjury by "uniformed service voter" but no sections in R111-11 or R124-11 require such declaration for any civilian voter. How ironic that our Secretary of State mistrusts the military to be truthful but does trust the civilians who have been responsible for significant voter fraud in Nevada—for example ACORN during the 2008 election.

It is a shameful act to fail to hold civilians accountable for their eligibility statements while the military must sign a full page declaration, under penalty of perjury, that their eligibility statements are true. To correct this unjust difference and show his desire for a fair and legal voting process, I request that the Secretary of State take the following action. Add the military declaration quoted below (of course, omitting the statements that relate only to the military) to all civilian documents related to voting applications and to voting documents. The declaration should be on any electronic or paper application to receive an absent ballot, to vote in person, or electronically and when they apply to or they actually vote by any means.

Most importantly, the Secretary of State should have civilians sign the declaration at the time they vote in person, by mail, or electronically just as the Secretary of State requires of the military as stated Sec. 11.2(e) and the last sentence of Sec.12, see below. The signing of the declaration at the time of voting could be expedited by making the declaration the very first page of the ballot. Thus the voter would be reminded of their duty to be a legal voter in Nevada at the time they cast their ballot. As specified for the military, any civilian voter who does not sign the declaration would not have their vote counted.

I also request that in the last sentence of the military (and hopefully the civilian) declaration please replace the word 'may' with the word '**shall**' so that prosecution for perjury is assured and the Nevada Attorney General is required to protect the rights of Nevada voters as required by NRS 293.2546, the Nevada Voters' Bill of Rights.

Section 12 of R111-11 is quoted below.

"Sec. 12. The declaration for use by a covered voter that is required pursuant to subsection 4 of section 12 of Assembly Bill No. 100, chapter 343, Statutes of Nevada 2011, at page 1918 (NRS 293D.200), must be in the following form:

DECLARATION OF COVERED VOTER

I am a uniformed-service voter, a spouse or dependent of a uniformed-service voter, or an overseas voter pursuant to the provisions of chapter 293D of NRS.

I am a citizen of the United States.

I will be at least 18 years of age on election day.

I have not been adjudicated mentally incompetent, or if so, my right to vote has been restored.

I have not been convicted of treason or a felony, or if so, my right to vote has been restored by a court of competent jurisdiction.

I am not registered to vote in any other jurisdiction in the United States.

I have not applied, nor do I intend to apply, for a ballot from any other jurisdiction for the same election.

The information on this form is true and complete to the best of my knowledge.

I acknowledge that if I return my voted ballot by approved electronic transmission, I have waived my right to have my ballot kept secret. Nevertheless, I understand that, as with any absent voter, my signature, whether on this oath of voter form or my identification envelope, will be permanently separated from my voted ballot to maintain its secrecy at the outset of the tabulation process and thereafter.

I understand that a material misstatement of fact in completing the document may be grounds for a conviction of perjury under the laws of the United States or this State.

I declare under penalty of perjury under the laws of the United States and this State that

the foregoing is true and correct.

(Signed)

Voter (power of attorney cannot be accepted)

YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE DECLARATION AND INCLUDE IT WITH YOUR BALLOT.

LCB Draft of Proposed Regulation R111-11"

Sec. 7, please define "Voter Registration Agency" or if it is defined in NRS or another regulation please repeat the definition of "Voter Registration Agency" here. Everyone must be using the same definition of the "Voter Registration Agency" or there will be unnecessary misunderstandings and conflicts.

Sec. 33.1 states the requirements of a political party to submit nominations for a new congressman in the event of a vacancy. Please explain the rationale for this new regulation. Is this section to clarify and/or comply with the recent Nevada Supreme Court ruling in the case relating to the vacancy for Congressional District 2 or is it meant to negate or change that ruling on how and when a party can nominate a congressional candidate?

End of comments on R111-11.

Following are my comments on the proposed regulation R124-11.

The definition of R124-11 Sec. 2.1(a) of when a person is waiting to vote, that is, "Is physically in line waiting to vote," is necessary and sufficient. It is unambiguous, clear, and is only subject to abuse that is obvious to any observer or poll watcher. However, the definitions in Sections 2.1(b), (c), and (d) are ambiguous, subjective, leave too much discretion to the election board, and are subject to abuse that cannot be observed by anyone. These three sections must be stricken or late arrivals will be allowed to vote in violation of the NRS.

Sec.5.1 removes the requirement to "notify the registered voter" when an "address included with a signature does not match the address for the registered voter who signed the petition". The phrase "notify the registered voter" must be reinserted to notify the registered voter that identify theft is occurring.

Sec. 6.1 (sic) Sec. 7 Please add that the poll worker must state to the potential voter or must hand a card to the potential voter that states: "It is a crime to vote unless you are a U.S. citizen • you will be at least 18 years old by the date of the next election • you will have continuously resided in Nevada at least 30 days in this county and at least 10 days in this precinct before the next election • the present address listed herein in your sole legal place of residence and you claim no other place as my legal residence • you are not laboring under any felony conviction or other loss of civil rights that would make it unlawful for you to vote. You have not applied, nor do you intend to apply, for a ballot from any other jurisdiction for this election. You have not voted, nor do you intend to vote, more than once during this election. You declare under penalty of perjury that the foregoing is true and correct." This card must be available in every language in which the ballot is printed. This statement should be prominently posted (five by eight foot poster with large writing that is readable from a distance of 10 feet) at the entrance to every polling place. A poster must be displayed in every language in which the ballot is printed.

Sec.8.7 Add to this requirement: "All Poll Workers must wear a name tag denoting the person's full name and their title or function. For the purpose of this section any paid employee, contractor, or volunteer; including those who maintain the voting machines; of the Election Department is deemed a Poll Worker."

Insert the "**bolded**" words into Section 9.1 as shown below. It is impossible to establish the identification of a potential voter without a photograph. Without a government issued photo ID the voting process is subject to fraud. Sec.9.1 would then properly read "The Secretary of State interprets "official identification" to mean a government-issued **photo ID**, or otherwise official, article or combination of articles, which establishes both the identity, **by photograph**, and residence of a person submitting an application to register to vote."

The draft R124.11 Sec. 9.2 (j) must be stricken. This gives too much discretion to the election board (poll workers). Are they allowed to accept an ID that is home made or one from Sam's Club or Costco?

Sec.9.3. At the beginning of this section please enter the words "Once the identity of the voter has been established by photo ID" the following articles...

Add Subsection (k) to Sec.9.3. Subsection (k) is to read "No document that has any indication that the potential voter is not a U.S. citizen can be used to establish identity or residency. For example, a government issued document that has an Individual Taxpayer Identification Number (ITIN) shall not be used to establish identity or residency."

Sec.10.5. It is imperative to strike this section. If you refuse to strike it, alternatively add at the beginning of Section10.5 "Once an inactive voter has established his identify and residency by photo ID per Section 9 of this regulation..." To allow a person representing themselves as an inactive voter to simply walk up to a polling place and vote with the same lack of scrutiny an active voter receives is an open invitation to voter fraud because the only item a person needs is an address and name of one inactive voter and that person can (mis)represent themselves to be that person and vote illegally. For instance, the person representing themselves as an inactive voter could be voting the name of a deceased individual, a person who has moved out of town, a person who has abandoned their home, etc. **Currently the proposed Sec.10.5 invites anyone who is willing to lie about their identity to vote in Nevada.**

End of comments on R124-11.

Elwood P. Stroupe

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